



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/171520

PRELIMINARY RECITALS

Pursuant to a petition filed January 20, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance (MA), a telephone hearing was held on March 01, 2016.

The issue for determination is whether the respondent correctly denied petitioner's MA due to income exceeding program limits.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Vernon County.
2. The county agency determined that the petitioner is ineligible for BadgerCare Plus because her household income exceeds the program's income limit.

3. The petitioner receives \$1,400.00 per month in earned income. Her husband receives \$1,080.00 in unearned income (Social Security disability). Petitioner, her husband, and their two minor children constitute a 4-person assistance group, with total monthly household income of \$2,480.00.
4. One hundred percent of the federal poverty level for a four-person household is \$2,025.00. *BadgerCare Plus Handbook*, § 50.1.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Effective April 1, 2014, the governor and legislature lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the federal poverty level for adults and 300% for children. Wis. Stat. § 49.471(4)(a). The county agency determined that the petitioner is ineligible for benefits because her household income exceeds 100% of the federal poverty level. For a four-person household, the size of the petitioner's, 100% of the federal poverty level is \$2,025.00 per month. *BadgerCare Plus Handbook*, § 50.1. The petitioner earns \$1,400.00 per month, and her husband receives unearned income of \$1,080.00 from Social Security disability. Petitioner argued that she was informed by a Marketplace worker that her husband's Social Security income is not counted for budgeting purposes. However, I note that policy requires that Social Security income be counted: "All taxable income is counted when determining BadgerCare Plus eligibility under MAGI rules. Social Security income is also counted under MAGI rules. ..." *BadgerCare Plus Handbook*, § 16.1.3.

While the household monthly income is only \$455 over the limit, the simple fact remains that it does exceed 100% of the federal poverty level for a household of four. As such, I must conclude that the agency correctly determined that the petitioner is ineligible for benefits.

CONCLUSIONS OF LAW

The petitioner is ineligible for BadgerCare Plus because her income exceeds 100% of the federal poverty limit.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 7th day of April, 2016

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 7, 2016.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability